

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTELLIVISION, a Joint Venture,)	
BRUCE ADAMS, JOHN DANIELS, and)	ECF CASE
PAUL HOFFMAN,)	
)	
Plaintiffs,)	Civil Action No.
)	07-CV-4079(JGK)(MHD)
v.)	
)	
MICROSOFT CORPORATION,)	
)	
)	
Defendant.)	
)	

DECLARATION OF PAUL HOFFMAN
IN SUPPORT OF PLAINTIFFS' MOTION TO INCLUDE
ADDITIONAL EVIDENCE IN SUMMARY JUDGMENT RECORD

1. I, Paul Hoffman, am a plaintiff in the above-captioned action. I submit this declaration in support of plaintiffs' motion to include additional evidence in the summary judgment record. I have personal knowledge of all facts stated herein, except those that are stated to be made on information and belief, if any.

2. The document attached as Exhibit C to the Declaration of Bruce D. Katz, executed January 21, 2011 ("Katz Declaration") is a true and correct copy of an assignment of patent applications from plaintiff John Daniels to Bruce Adams, John Daniels and myself. The assignment of annexed Exhibit C is the assignment document identified as *Exhibit A* in seven of the assignments contained in Attachment B to the parties' Agreement and discussed in further detail in plaintiffs' memorandum of law in support of the instant motion. The assignment has been filed by Microsoft with the U.S. Patent and Trademark Office in connection with the prosecution of the patent applications Microsoft acquired from myself and Messrs. Adams and Daniels.

3. Neither I, John Daniels or Bruce Adams discovered Microsoft's omission of the two-page assignment from the 1045-page binder of exhibits filed by Microsoft in support of its summary judgment motion. During the last week of December 2010, two weeks after the December 8 oral argument on Microsoft's summary judgment motion, Mr. Katz advised me that the two-page assignment had been omitted from the record.

4. The documents attached as Exhibit E to the Katz Declaration are true and correct copies of what they purport to be, correspondence between Intellivision and third parties, and were produced and maintained in the ordinary course of business of Intellivision at its New York City office.

5. The emails attached as Exhibit F to the Katz Declaration are true and correct copies of what they purport to be, emails sent in 2001 by John Daniels to Microsoft, and were produced and maintained in the ordinary course of business of Intellivision at its New York City office.

I declare that the foregoing is true and correct under penalty of perjury.

A handwritten signature in black ink, appearing to read "Paul Hoff", is positioned above a horizontal line.

Dated: January 21, 2010
New York, New York

Paul Hoffman